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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 JOSH THOMAS,

12 Plaintiff,

13 vs.

14 WILKINSON, et al.,

15 Defendants.
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1:15-cv-00527-LJO-GSA-PC

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS IN FULL
(ECF No. 49.)

ORDER GRANTING DEFENDANT
TEHRANI'S RULE 12(b)(6) MOTION TO
DISMISS CLAIMS AGAINST HER AS
BARRED BY STATUTE OF
LIMITATIONS, WITH PREJUDICE
(ECF No. 31.)

ORDER DISMISSING DEFENDANT
TEHRANI FROM THIS ACTION

21 Josh Thomas ("Plaintiff") is a state prisoner proceeding *pro se* in this civil rights action
22 pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge
23 pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

24 On February 10, 2017, findings and recommendations were entered, recommending that
25 defendant Tehrani's Rule 12(b)(6) motion to dismiss the claims against her as barred by the
26 statute of limitations be granted, with prejudice, dismissing defendant Tehrani from this case.
27 (ECF No. 49.) The parties were granted thirty days in which to file objections to the findings
28 and recommendations. (Id.) To date, no objections have been filed.

1 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(B) and Local Rule 304, this
2 court has conducted a *de novo* review of this case. Having carefully reviewed the entire file,
3 the court finds the findings and recommendations to be supported by the record and proper
4 analysis.

5 Accordingly, **THE COURT HEREBY ORDERS** that:

- 6 1. The findings and recommendations issued on February 10, 2017, are ADOPTED
7 IN FULL;
- 8 2. Defendant Tehrani's Rule 12(b)(6) motion to dismiss the claims against her as
9 barred by statute of limitations, filed on August 29, 2016, is GRANTED, with
10 prejudice;
- 11 3. Defendant Tehrani is DISMISSED from this action, for Plaintiff's failure to
12 state any claims against her upon which relief may be granted; and
- 13 4. This case is referred back to the Magistrate Judge for further proceedings.

14 IT IS SO ORDERED.

15 Dated: March 22, 2017

16 /s/ Lawrence J. O'Neill
17 UNITED STATES CHIEF DISTRICT JUDGE
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